



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,019	03/19/2004	Alfred I-Tsung Pan	200311298-1	7778

22879 7590 10/07/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

STOREY, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

2625

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No. 10/805,019	Applicant(s) PAN ET AL.	
	Examiner WILLIAM C. STOREY	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the appeal brief filed on 8/8/08, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing
below:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 24 and 26 (and its dependents) is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

Art Unit: 2625

contains material which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time the invention was filed. A patent must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the patent is based, and to demonstrate that the patentee was in possession of the invention that is claimed to put the public in possession of what the applicant claims as the invention. Further, the written description requirement promotes the progress of the useful arts by ensuring that patentees adequately describe their inventions in their patent specifications in exchange for the right to exclude others from practicing the invention for the duration of the patent's term. Please provide support for the system designating the same representative image based on both time stamp data and user input.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 26 (and dependents) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Designates as the representative image one of the presented image" is not proper grammar, and the intended presentation is rendered unclear and indefinite.

5. Claim 26 (and dependents) are rejected due to insufficient antecedent basis for a limitation in the claim. Claim 26 refers to "the presented image." However, no

Art Unit: 2625

“presented image” has been defined in the dependency structure associated with this claim. The examiner will assume the applicant to mean “a presented image.”

6. Claim 25 (and dependents) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to particularly what “ones of the images” defines.

7. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear with regard to whether the external power source is configured to connect to the portable housing (assumed), or the housing is configured to connect to the portable housing. In addition, it is unclear whether the claim is defining the external power source contains the power supply and the label composer, or that the housing contains the power supply and the label composer.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yokokawa (US 7184082) in view of Niikawa et al. (US 6992672), hereinafter referred to as Niikawa.

Regarding claim 1, Yokokawa discloses **a port configured to receive a portable data storage device having a memory configured to store a collection of image data** (Yokokawa discloses different embodiments for his system. Fig. 8, col. 15, l. 47-57, and col. 6, lines 31-36 provide for this limitation.) In addition, Yokokawa discloses **a label composer operable to designate an image in a collection of images being stored in the memory of a portable data storage device received in the port as a representative image that represents the images in the collection** (Yokokawa discloses a CPU that controls the camera (col. 5, lines 57-59). Col. 2, lines 52-60 disclose the camera system able to extract a particular image from a group of images, as well as the capability to make a display display an extracted image as a representative image. By displaying that particular image instead of the others, it can be said that that image represents the images in the collection. An interpretation of the image as representative of the images in the collection may be a subjective interpretation of the user caused by the image being displayed. The system, controlled by the CPU, is operable to designate the image to be displayed as a representative image upon the display. Thus, considering that the examiner does not believe that there is any reason that necessitates and/or defines an image as "representative" beyond that of an interpretive construct, this interpretation provides for the label composer operable to designate the image as a representative image that represents the images in the collection due to the inherent interpretive associations with the image being displayed. Further, Yokokawa provides for creating label to represent the contents of portable data storage devices, such as CDs, memory cards, etc. (col. 16,

Art Unit: 2625

lines 44-50, fig. 10a). In addition, this embodiment comprises a control unit and CPU for controlling the operations of the system (col. 16, lines 57-67. In addition, Yokokawa discloses that the control unit may be implemented by a PC (col. 17, lines 7-9).) As has been mentioned, Yokokawa discloses being able to display a representative image and print out labels that may display a representative image of the images in the collection (either a printer or a display could be a **print module coupled to the port and the label composer to print an image corresponding to the representative image designated by the label composer**). In addition, Yokokawa discloses that the representative image may be printed directly on the portable storage medium (col. 19, lines 15-19).

However, Yokokawa did not distinctly disclose **a digital label including a plurality of display elements each capable of presenting one of at least two possible colors; and print module operable to selectively configure the display elements in the digital label of the portable storage device received in the port to print an image.**

In a similar field of endeavor, Niikawa discloses a system for providing a representative image of the contents on a portable storage medium. In addition, Niikawa discloses a memory card for a camera, which reads on claimed portable data storage device having a memory configured to store a collection of image data; that is insertable into a card slot, which reads on claimed port configured to receive; of a digital camera or computer, as disclosed in column 4, lines 31-34. Niikawa discloses the memory card having a memory section, which reads on claimed memory; and a display

Art Unit: 2625

section made of a liquid crystal composition with a memory effect, which reads on claimed **digital label including a plurality of display elements each capable of presenting one of at least two possible colors**, as disclosed at column 4, lines 34-47. (As will be shown, by being able to display something, inherently the display will be capable of presenting at least one of at least two possible colors; otherwise, with no contrast, the screen would just be blank.) Niikawa discloses the digital camera having a user interface that allows a user to select an image from a group of images stored in memory; as disclosed at column 15, lines 6-9 and column 20, lines 39-44. Inner workings of the digital camera, such as a CPU of the camera, dispatch a writing command particular to an image (col. 9, lines 11-14), thus showing that the system has designated a particular image for display. Thus, at least some of the inner workings of the digital camera may act as a label composer in at least some capacity as the system is shown operability to have an image from the collection of images stored in the memory designated to be printed to the display for representation. As the properties of being able to designate an image in a collection of images being stored in the memory of a portable data storage device received in the port for representation on the display has been shown, it is inherent that there is a label composer in this capacity. The system of Niikawa may use the memory card display as a camera display. Niikawa discloses the digital camera changing the picture displayed on the memory card, as disclosed above at column 20, lines 39-44, **which reads on print module coupled to the port and the label composer** (per the current understanding as described above) **and operable to selectively configure the display elements in the digital label of**

Art Unit: 2625

the portable data storage device received in the port to print an image

respectively corresponding to an image designated by the label composer (per

the current understanding as described above). When the picture on the display of the memory card is changed, the printing capability changes the elements on the display to display the new picture chosen (selectively configure). For example, a driving circuit may read on claimed print module (col. 8, lines 63-67, col. 9-col. 10, lines 1-48).

However, as the properties of the system being able to selectively configure the display elements in the digital label of the portable data storage device received in the port to print an image respectively corresponding to an image designated by the label composer (as defined above), it is inherent that a print module exist in the inner workings of the system. In addition, Niikawa discloses that when the power is turned off, a thumbnail image, representing the contents of the portable storage device in totality is renewed and left on the display of the memory card (col. 17, lines 27-35).

However, such an enforcement stands as an improvement over only allowing a single image as representative of the images on the medium. Showing all of the images in totality allows for greater information about the overall contents of the medium than would be provided by only showing a single photograph. Further, the system of Niikawa is shown as completely capable of selecting a single image for representation. In the reproduction mode, the images on the medium may be cycled through to display an image of choice (col. 14, lines 66-67, col. 15, lines 1-9, col. 20, lines 39-45). Because the display retains the image displayed, if the system of Niikawa did not enforce that the “thumbnail image” of all contents be shown before power off, the system would be

Art Unit: 2625

operable to and a single image for representation could be designated in the manner described above. This would provide for greater flexibility, creativity, ease, and/or organization, depending on the scenario.

Yokokawa has disclosed selecting a representative image from a group of images and printing (including displaying or the typical definition of printing) the image. Niikawa provides printing images on a renewable display. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a combination of the two ideas for the purpose of providing for greater flexibility.

Regarding claim 2, the previous disclosures disclosed everything as applied above for claim 1. Niikawa discloses the CPU dispatches a writing command that causes, or drives, a driving section to display an image on the LCD display (col. 9, lines 11-14). In addition, Yokokawa discloses at col. 5, lines 48-52 compression and size control (which affect resolution for digital images) for recording/replaying image data, such as when the image is printed on the display of the camera. Niikawa discloses the display of the memory showing compressed and thumbnail reduced-resolution versions of higher resolution photos taken, as disclosed at column 14, lines 61-64 and column 16, lines 23-24. In addition, Yokokawa shows in figs. 4e-4c that an index and single frame display may be used for the same image on a display. Inherently, the size and resolution of the image would be adjusted in this case in order to show a larger number of digital images in the same area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide printing a reduced-resolution image of a higher resolution image being stored in the memory of the portable data

Art Unit: 2625

storage device received in the port for the purpose of allowing for the option to reproduce the image at an even higher resolution while saving cost by allowing for a reduced resolution image to be "printed" for representative purposes.

Regarding claim 3, the claim inherits everything as applied above for claim 1. Yokokawa discloses designating a representative image based off of time stamp data associated with the images being stored in the memory of a portable data storage device received in the port (col. 18, lines 48-53, col. 22, lines 16-23, fig. 14a, col. 25, lines 36-39, col. 6, lines 14-50, col. 7, lines 5-9. From these disclosures, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide designating a representative image based off of time stamp data associated with the images being stored in the memory of a portable data storage device received in the port for the purpose of providing a quick way to easily select a representative image from a group. By basing the representative image off of time stamp data, the contents of the collection of images can be further defined by the images temporal connection in memory: For example, if the oldest time stamp data is used to select the representative image, the user will know from the image that the collection of images contains nothing before the event depicted in the representative photo. Similarly, this notion could be applied to the representative image chosen based off of latest time stamp data. Nonetheless, based off of the teachings provided, such a feature would have additionally been at least obvious due to the fact that the feature provides predictable results.

Though not necessary, further support can be provided by Niikawa. Niikawa discloses that when going to a reproduction mode for viewing photographed images, the latest photographed image is displayed; as disclosed at column 14, lines 55-60 and 66-67 and column 15, lines 1-6. The frame number is a "stamp" associated with the image that is temporally representative with respect to the other image. In this respect, this reads on claimed frame number. In addition, Yokokawa additionally notes how "a frame number normally corresponds to a shooting date." (Where "shooting date" has been defined by Yokokawa as inclusive of clock time particularity (col. 18, lines 15-16).) "The older a shooting date, the smaller the numeric value of a frame number (the newer a shooting date, the larger the numeric value of a frame number.)" Further, Niikawa provides that time stamp data is at least inherently associated with the image (col. 14, lines 55-60, col. 20, lines 13-17). So, for similar motivation as discussed above, it would have been at least obvious to automatically select the latest image as a representative image, as Niikawa has shown for representation on the display when switched to reproduction mode, based off of "time stamp data."

Regarding claim 4, the claim inherits everything as applied above for claim 1. The presentations on the display can be said to be presented by a graphical user interface. Fig 4a-4d show different presentations to the user. Col. 16, lines 40-44, col. 6, lines 14-25, col. 11, lines 41-48 provide support.

Regarding claim 5, the claim inherits everything as applied above for claim 4. Fig 4a-4d show different presentations to the user, and the ability to set a particular image from a group as a representation on the display. Col. 11, 36-57 discloses selecting an

Art Unit: 2625

image by a user from a sequence of images corresponding to the images in the collection being stored in the memory of the portable data storage device received in the port. This image may be displayed for representation, or used as the label on the display of the memory card.

Regarding claim 6, the claim inherits everything as applied above for claim 1, yet redefines it as necessary. Yokokawa previously disclosed selecting an image to be a label. In addition, Yokokawa discloses selecting images to be copied onto another medium and selecting the label for the medium, with the label image selected before the images are stored in the memory. Thus, having the label composer operable to designate the representative image before any of the images in the collection are stored in the memory of the portable data storage device. Col. 20, lines 19-31, lines 47-52, and fig. 10b provide support for this. In addition, as mentioned previously, the system of Niikawa is exemplarily presented as a digital camera, though the workings with the memory card and display may be embodied in other forms, such as a PC. Yokokawa discloses that the printing system may be controlled by a PC and that a recording medium may be inserted into a PC and read/written from/to from the system (col. 21, lines 14-22, col. 17, lines 7-9). In addition, implementation in a system as presented in fig. 8, would not be a far leap from that of a PC for one of ordinary skill in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system operable to print a selected image on the digital label in accordance with the systems discussed for the purpose of greater convenience and

Art Unit: 2625

flexibility. Thus, in such a case, it would ensured that the portable data storage device was received in the port.

Regarding claim 7, the claim is rejected based upon similar reasoning as applied above for claim 1.

Regarding claim 8, the claim is rejected based upon similar reasoning as applied above for claim 1. The systems have been disclosed as able to be implemented as digital cameras, which inherently have the features claimed. Further, Yokokawa discloses Fig. 1, col. 5, lines 1-9. Shooting lens unit may at least comprise an optical lens, and image capturing element may at least comprise claimed image sensor. In addition, Niikawa specifically disclosed a digital camera with a CCD, **which reads on claimed image sensor for capturing images received through the optical lens**, and a zoom lens, **which reads on claimed lens**; as disclosed at column 11, lines 3-5.

Regarding claim 9, claim 9 is rejected upon the same reasoning as applied for claim 1. Changing a claim from an apparatus to a method does not make the claim patentably distinct. Selectively configure in claim 1 reads upon selectively orienting.

Regarding claim 10, claim 10 is rejected upon the same reasoning as applied for claim 2. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 11, claim 11 is rejected upon the same reasoning as applied for claim 3. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 12, claim 12 is rejected upon the same reasoning as applied for claim 4. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 13, claim 13 is rejected upon the same reasoning as applied for claim 5. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 14, claim 14 is rejected upon the same reasoning as claim 9.

Regarding claim 15, claim 15 is rejected upon the same reasoning as claim 10.

Regarding claim 16, claim 16 is rejected upon the same reasoning as claim 12.

Regarding claim 17, claim 17 is rejected upon the same reasoning as applied for claim 1. Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct. When an image is selected to be a “representative image,” the image is oriented on the display of the memory and printed on thus, **which reads on claimed selectively orient the display elements in the digital label of the portable data storage device to print an image corresponding at least one selected representative image**, as disclosed above.

Regarding claim 18, claim 18 is rejected upon the same reasoning as applied for claim 2. Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct.

Regarding claim 19, claim 19 is rejected upon the same reasoning as applied for claim 4. Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct.

Regarding claim 20, claim 20 is rejected upon the same reasoning as applied for claim 1 unless changed below. Digital label and other unmentioned features are read on from above. Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct. Niikawa discloses the digital camera system (the inner workings of it (i.e. contained inside the housing of the digital camera) providing for the operability to change the picture displayed on the memory card, as disclosed above at column 20, lines 39-44, which inherently provides for **claimed label adapter coupled to the digital label and operable to selectively configure the display elements in the digital label to present an image corresponding to the representative image designated by the label composer**. The label adapter as claimed is similar to the print module of claim 1, which could be read upon by the driving section, discussed in claim 1. The housing of the memory card may read on claimed portable housing configured to plug into a port of an external device (it has been previously shown how the memory card may be received in the port), the portable housing containing the memory (inherent by virtue of its being the memory card and storing the collection of images), and having a surface supporting the digital label (Niikawa discloses different ways the display may be attached to the memory card; however, at least one or all at least inherently provide for having a surface supporting the digital label (display) (col. 7, lines 10-67, col. 8, lines 1-60, fig. 5-12).) In addition, Niikawa discloses the driving section and operability to selectively configure the display elements in the digital label to present an image stored in the memory card (col. 10, lines 24-31 disclose the whole of the driving circuit inside the memory card. Providing

Art Unit: 2625

the setup as such provides for easy control and allows for an interface for general use (col. 10, lines 28-31).)

Regarding claim 21, the previous disclosures disclose everything as applied above for claim 20. Claim 21 is rejected upon the same reasoning as applied for claim 2. Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct.

Regarding claim 22, the previous disclosures disclose everything as applied above for claim 20. Claim 22 is rejected upon the same reasoning as applied for claim 3. Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct.

Regarding claim 23, the claim is rejected based upon similar reasoning as applied above for claim 3. In the discussion provided with regard to claim 3, it was discussed how instead of basing off of the oldest time stamp data, newest time stamp data could be used. In addition, Yokokawa provides for the idea of such an option (col. 14, lines 63-67, col. 15, lines 27-29, col. 22, lines 16-23, for example). Such a change could be seen as merely designer's choice, the change would yield predictable results, and it would have been obvious to try such a modification. In addition, basing off the latest time stamp may provide the greatest possibility of triggering the user's memory in being able to remember the associated event or pictures associated with the designated label picture. If the picture chosen was the one that is the closest to the present temporally, this is the case.

Regarding claim 24, the claim inherits everything as applied above for claim 22. Fig 4a-4d show different presentations to the user, and the ability to set a particular image from a group as a representation on the display. Col. 11, 36-57 discloses selecting an image by a user through user input from a sequence of images corresponding to the images in the collection being stored in the memory of the portable data storage device received in the port. This image may be displayed for representation, or used as the label on the display of the memory card. In addition, col. 18, lines 21-40 & fig. 10a disclose selecting an image based on a condition selected by user input.

Regarding claim 25, the claim inherits everything as applied above for claim 24. It was described for claim 1 how the system is capable to display an image with thumbnail representations (or an index display) of the images in memory. This may read on claimed present images corresponding to ones of the images in the collection stored in the memory. In addition, a single frame display of images may read on the claim.

Regarding claim 26, the claim inherits everything as applied above for claim 25. It has previously been disclosed and/or discussed how a user may select an image that is presented for designation as a representative image, and thus, representation on a label.

Regarding claim 27, the previous disclosures disclose everything as applied above for claim 26. Claim 27 is rejected upon similar reasoning as applied for claim 5.

Art Unit: 2625

Changing a claim from an apparatus to another category of invention does not make the claim patentably distinct.

Regarding claim 28, the previous disclosures disclose everything as applied above for claim 27. Yokokawa discloses having the sequence of images presented by the label adapter ordered in accordance with time stamp data associated with images in the collection stored in the memory (previous (the discussion with regard to claim 3 may provide some supportive rationale), fig. 6a, col. 18, lines 10-19, fig. 5f, col. 11, lines 36-57, The frame number is a "stamp" associated with the image that is temporally representative with respect to the other image., Yokokawa additionally notes how "a frame number normally corresponds to a shooting date." (Where "shooting date" has been defined by Yokokawa as inclusive of clock time particularity (col. 18, lines 15-16).) "The older a shooting date, the smaller the numeric value of a frame number (the newer a shooting date, the larger the numeric value of a frame number.)", Considering all of this, it would have been at least obvious to provide having the sequence of images presented be ordered in accordance with time stamp data in order to provide facilitation of quicker searching for an image. If the images are ordered temporally, then the user (or processor) would known to search up or down with respect to a particular time in order to find pictures corresponding to events that occurred before or after the current image of focus.) In addition, though not necessary, Niikawa discloses that when going to a reproduction mode for viewing photographed images, the latest photographed image is displayed; as disclosed at column 14, lines 55-60 and 66-67 and column 15, lines 1-6. Niikawa discloses being able to cycle through images that increase or

Art Unit: 2625

decrease sequentially by a frame number, which corresponds to the order the photographs were taken, as disclosed at column 14, 56-60 and column 15, lines 4-9. The frame number is a "stamp" associated with the image that is temporally representative with respect to the other image. In this respect, this reads on claimed frame number. In addition, Yokokawa additionally notes how "a frame number normally corresponds to a shooting date." (Where "shooting date" has been defined by Yokokawa as inclusive of clock time particularity (col. 18, lines 15-16).) "The older a shooting date, the smaller the numeric value of a frame number (the newer a shooting date, the larger the numeric value of a frame number.)" Further, Niikawa provides that time stamp data is at least inherently associated with the image (col. 14, lines 55-60, col. 20, lines 13-17). So, for similar motivation as discussed above, it would have been at least obvious to order the presented images based off of "time stamp data."

Regarding claim 29, the claim inherits everything as applied above for claim 20. However, some redefinition may be provided. The housing of the digital camera (the outside of the system) may read on claimed portable housing. The memory, label composer, and label adapter are all contained inside the housing. They are not comprised by the housing. Yokokawa discloses the memory card loadable to the camera, though it does not descriptively show the card I/F in a figure (fig. 1, col. 5, lines 31-36). However, Niikawa discloses a card room for the memory card, as disclosed in figure 25 and column 11, lines 63-65. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the memory card contained within the housing for the purpose of providing greater protection. Fig. 25-26, col. 17,

Art Unit: 2625

lines 53-62 disclose a display support that may read on a surface supporting the digital label. However, from figures 15-17 it is apparent that even in other forms the housing would provide some surface supporting the digital label. Nonetheless, it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to provide the memory card contained within the housing (for example, such as universally applying a display support) for the purpose of providing greater stability and protection. Although the limitation of portable housing is provided for, should the applicant have any qualms over the memory card being able to be seen through the housing, the examiner maintains that it would have been obvious to protect the memory card display by covering it with housing and using the other camera display to represent the display of the memory card as necessary (col. 10, lines 58-60, for example, discloses that it is well known to use another display with the camera). In addition, Yokokawa disclosed displaying images and representative images from the memory on a more conventional display screen (not the memory screen). As mentioned, this would provide greater protection.

Regarding claim 30, the claim inherits everything as applied above for claim 20. The camera acts as an external power source for the memory card (col. 7, lines 33-44, electronic information devices are defined at col. 1, lines 19-20 (digital camera is included)), and thus, may read on claimed external power source. Fig. 17, col. 11, lines 62-67, disclose batteries being required as a driving source for the camera and being contained in a housing of the digital camera, as well as that adjustments to display reduces the consumption of electric power and prolongs the lives of the batteries (col.

Art Unit: 2625

18, lines 12-16), which further connects the idea that the batteries may act as a power supply for the display. Nonetheless, it would have been at least obvious to one of ordinary skill in the art at the time the invention was made to provide having batteries act as a power supply for the purpose of allowing for more portability and convenience, rather than having to plug the device into a wall, for example. It has been disclosed previously how the inner workings/CPU of the camera may act as the label composer, thus, inherently being contained within the digital camera housing (the outside of the system). In addition, as the memory card has been shown to interact with the camera by way of the system aware of the memory card's contents (reading the images on the card, for example), for example, inherently, the external power source must be configured to connect to the portable housing (pertaining to the memory card).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakamaki (US 6201587) disclose selecting a representative image for a renewable label. Kaplan et al. (US 20020180803) discloses selecting a representative image for folder/menu cover images and portable storage media labels as well as automation of the selection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM C. STOREY whose telephone number is (571)270-3576. The examiner can normally be reached on Monday - Friday Eastern Standard Time.

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C Storey/
Examiner, Art Unit 2625

William C Storey
Examiner
Art Unit 2625

/W. C. S./
Examiner, Art Unit 2625

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625